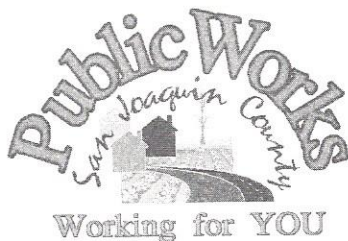




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November 14, 2014

Mr. Ken Alex
Director, Governor's Office of Planning
1400 10th Street
Sacramento, California 95814

SUBJECT: UPDATING TRANSPORTATION IMPACTS ANALYSIS IN THE CEQA GUIDELINES

Dear Mr. Alex:

San Joaquin County Department of Public Works submits the following comments in response to the Governor's Office of Planning and Research's Preliminary Discussion Draft of Updates to the California Environmental Quality Act (CEQA) Guidelines Implementing Senate Bill 743 (Steinberg, 2013).

The current use of level of service (LOS) to analyze transportation impacts from a project has been criticized as inducing auto use, creating barriers to infill development, and discouraging other modes of transportation, including transit and active modes. The environmental review of impacts under LOS to the transportation system focuses on congestion at roadway intersections and corridors. LOS-based mitigation measures typically include widening or increasing the capacity of intersections or roadways. As California seeks to promote infill development and a diversity of land uses to reduce greenhouse gas (GHG) emissions, there is growing recognition that Californians need additional transportation choices. In as much as LOS inhibits projects and mitigation measures that would promote alternative, less energy-intensive modes of transportation, the goal of SB 743 and the revisions to the CEQA guidelines are to provide alternatives to LOS to reverse these outcomes, specifically in Transit Priority Areas (TPAs).

San Joaquin County supports California's Statewide planning priorities to promote infill development, protect environmental and agricultural resources, and encourage efficient development patterns. As such, San Joaquin County supports the overall goal of SB 743 to encourage other types of mitigation measures to transportation impacts where appropriate. We do not question the appropriateness of an alternative to LOS within the CEQA Guidelines for TPAs. It appears that vehicle miles traveled (VMT) as a metric for analyzing transportation impacts from a project is the most appropriate replacement to LOS within TPAs, as it measures both the number of trips and the distance traveled. We also find that no longer considering automobile delay an impact under CEQA in TPAs is a sensible approach to fostering multi-modal mitigation to transportation impacts. However, San Joaquin County recommends a number of changes to the Preliminary Discussion Draft (PDD) to address our concerns with applying a VMT metric within TPAs. In addition, San Joaquin County continues to have strong concerns about the applicability outside TPAs starting January 1, 2016.

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POLICY CONSIDERATIONS

1. *Appropriateness of Statewide Implementation and Timing.*

Moving from an LOS metric to a VMT metric within CEQA will be a complicated process and represents a significant shift from the current decades-long practice. We believe there will be unintended consequences and implementation issues (discussed in detail below) from this change, which will necessitate a more reasonable approach to statewide implementation. We urge OPR to continue their tremendous outreach and education efforts so as to be as pragmatic and thoughtful as possible in its implementation. It is prudent to revise the draft guidelines to apply the VMT alternative analysis within TPAs no sooner than July 1, 2015 (for reasons discussed below).

With respect to application outside of TPAs, we recommend that OPR make the use of the VMT analysis optional at the discretion of lead agencies when the guidelines are adopted. Subsequently, we request OPR then work with CSAC and the League of California Cities to develop a pilot program to apply VMT in more suburban and rural community settings, and study its impacts before mandating the change statewide. Since VMT analysis is not well developed in the transportation engineering world, California's counties continue to have numerous questions about the real-world impacts from transitioning away from LOS analysis. Questions include:

- a. What environmental value does a VMT analysis add in communities which currently lack robust transit and bicycle and pedestrian networks that could be further developed to mitigate transportation impacts; and, which due to their geography, are unlikely to develop such facilities in the future?
- b. What mitigation measures are feasible for reducing VMT in rural and suburban contexts?
- c. How can we better define the contexts outside TPAs in which a VMT analysis makes sense? Can we identify certain community characteristics such as population density, future planned transit service, or bicycle or pedestrian infrastructure?

These questions are ripe for study under a pilot program. It is our current perspective that LOS analysis still has a place in CEQA in areas outside TPAs; San Joaquin County stands ready to work with OPR to find sensible solutions in support of a multi-modal transportation system and our mutual environmental goals. We also request that OPR provide examples or case studies to show how a VMT analysis within CEQA would apply to a variety of projects within TPAs and in other more suburban or rural contexts.

2. *Threshold of Significance.*

The PDD recommends the use of regional average VMT by project type as a threshold of significance. The Draft further suggests that a project which would not exceed the regional average VMT rate may be considered to have a less than significant impact on the environment. San Joaquin County is concerned that a regional average VMT does not account for the diversity of communities within the various regions. Though San Joaquin County is primarily agriculture based and rural in nature, the city of Stockton is considered a metropolitan area. However, both would use the same regional average VMT to determine transportation impacts from projects. The County fully supports the Institute of Transportation Engineers' (ITE) recommendation to provide more flexibility in OPR's guidance to explicitly allow lead agencies to set the appropriate significance threshold, such as a local average at the countywide or neighborhood level. A more flexible approach will address these concerns. Further, San Joaquin County concurs with the suggestion to include recommendations on the threshold of significance within a separate technical advisory rather than in the CEQA Guidelines.

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San Joaquin County also concurs with CSAC and the City and County of San Francisco regarding the inadequacy of the singular criterion that projects which are located within one-half mile of either an exiting transit stop or a stop along an existing high-quality transit corridor would result in less than significant impacts. We support removing this from the PDD or adding additional factors to consider in addition to project location, such as density and diversity of land uses.

3. *Availability of Data and Technical Expertise.*

Given the significant change replacing LOS with VMT analysis represents, many lead agencies do not have the modeling capacity or technical expertise to develop VMT data on a project level. While Appendix F in the PDD includes information on a variety of available models (free and for purchase) to estimate vehicle miles traveled, they are not relevant for the full range of projects that CEQA applies to. These models are designed to estimate VMT from land use development projects and are not applicable to roadway projects. Even when applied to land use development projects, counties are not currently universally using such tools and models to calculate VMT by project. As discussed further below, local communities would require additional resources from the state to begin such a significant transition. Finally, ITE's case studies demonstrate that the various land use models for assessing VMT from land development projects can generate markedly different outcomes.

In order to estimate VMT on a project level, lead agencies must use sketch models or more sophisticated travel demand models. While regional transportation planning agencies implement trip-based and activity-based models of verifying sophistication to address existing statutory requirements such as air quality, we understand that disaggregating the project level VMT by land use type is very difficult. Many counties do not use trip- or activity-based models locally and would need to rely on regional agencies when possible. San Joaquin County is concerned, however, about the immediate availability of regional data across the state, and our region in particular.

4. *Retention of LOS for Local Planning and Transportation Purposes/Safety.*

While this allows for local agencies to still utilize LOS, it is important to note why local agencies need to utilize LOS. LOS is crucial to determine available capacity (or lack thereof) on the local transportation system. LOS allows local agencies to determine what additional improvements are necessary to maintain a properly functioning transportation system and assess development's cost share of those improvements. VMT cannot provide local agencies with this information, which is critical for both safety and operational reasons, and therefore LOS must be retained.

5. *Unfunded Mandate/Technical Assistance and Training.*

The change from an LOS based analysis to a VMT metric without financial and other resources constitute an unfunded mandate. Counties will continue to perform LOS for local planning purposes to address traffic safety and other local goals related to traffic congestion (an important issue to communities across the state). The new VMT requirement will apply on top of existing LOS analysis. Pursuant to the previous sections, San Joaquin County requests that OPR provide additional resources, case studies, training and technical expertise to lead agencies that will be required to implement a VMT analysis within TPAs. During the pilot program period, this training should also be provided to lead agencies that elect to test VMT analysis outside of TPAs.

6. *VMT by Land Use Type.*

The level of specificity (and data available for such purposes) will vary from region to region and lead agency to lead agency with respect to land use types. San Joaquin County concurs with the City and

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County of San Francisco's recommendation to defer to local jurisdictions to determine and define the appropriate land use types for their community.

7. Land Use Plans and Consistency with Sustainable Communities Strategies.

The Preliminary Draft Guidelines state that land use plans that are either consistent with a Sustainable Communities Strategy (SCS), or that would reduce at least an equivalent amount of VMT as projected to result from an SCS, would generally be considered to have a less than significant impact. We support ITE's recommendation to exempt roadway projects that are consistent with an SCS strategy from an induced demand travel analysis. Furthermore, infill projects that are consistent with SCSs or other GHG emission reducing regional transportation plans should be exempt from CEQA. This recommendation is also supported by correspondence from the Sacramento Area Council of Governments (SACOG) to OPR.

8. Induced Demand. Impact Fee Programs.

Not all roadway projects are alike and as such may warrant different treatment under the guidelines. As ITE notes in their comment letter, large roadway projects that improve travel times by more than 5 minutes should likely require an analysis of the induced demand but smaller roadway projects that do not meet this threshold should be exempt.

RECOMMENDATIONS

1. Replace LOS with a VMT metric in TPAs no earlier than July 1, 2015 to allow lead agencies to develop the data, models and technical expertise necessary for implementation.
2. Continue outreach with lead agencies and other stakeholders to better understand consequences of VMT analysis on various planning level documents and land development and transportation projects.
3. Ensure the aforementioned issues are addressed before moving forward with rulemaking.
4. Delay statewide implementation until consequences of VMT analysis are better understood.
5. Implement a pilot program to test and study VMT analysis compared to LOS analysis on projects outside TPAs.
6. Provide meaningful case studies, funding, technical assistance and training to lead agencies to effectively implement a VMT analysis within TPAs (and outside TPAs when determined appropriate).

Thank you for the opportunity to provide feedback on the Preliminary Discussion Draft and for your consideration of the county perspective. We sincerely appreciate the time and effort your staff has made to reach out to impacted lead agencies and stakeholders. Please do not hesitate to contact me if you would like to discuss our perspectives and recommendations further.

Sincerely,



THOMAS M. GAU
Director of Public Works

TMG:je

c: Kerry Sullivan, Director Community Development
San Joaquin County Council of Governments
Katie Paterson, Legislative Analyst, County Administrators Office